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1992 Wis Eth Bd 3  
LOBBYING

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A candidate for elective state office may not receive a salary from an organization that employs a lobbyist but may continue to receive a pension and may participate in a group health plan if the candidate pays the premiums. OEB 92-3

March 24, 1992

Facts

- [1] This opinion is based upon these understandings:
- a. You are contemplating becoming a candidate for elective state office.
  - b. You are employed by a principal.

Questions

- [2] The Ethics Board understands your questions to be:
1. May a candidate for elective state office be employed by an organization that employs a lobbyist?
  2. May a candidate for elective state office receive a pension from an organization that employs a lobbyist?
  3. May a candidate for elective state office participate in a group health plan sponsored by an organization that employs a lobbyist?

Discussion

[3] First, the lobby law prohibits candidates for elective state office from receiving anything of pecuniary value from lobbyists or principals.<sup>1</sup> A principal means any

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<sup>1</sup> §13.625(1), (2), and (3), *Wisconsin Statutes*, provide:

**13.625 Prohibited practices. (1)** No lobbyist may:

(a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.

(b) Furnish to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the official's, employee's or candidate's personal campaign committee:

1. Lodging.

## Opinion Withdrawn – Wisconsin Ethics Commission – August 21, 2018

person who employs a lobbyist.<sup>2</sup> The prohibition would encompass receiving a salary as an employee of a principal.

[4] Second, a retiree receiving a pension from a principal may usually continue to receive that pension if he or she runs for elective state office. If entitlement to the pension legitimately has accrued prior to the time a retiree runs for state office, we believe the lobby law would not bar receipt of the pension money. This is because the pension already belongs to the retiree and not to the principal.

[5] Third, in our view a person running for elective state office may, consistent with the lobbying law continue to participate in a former employer's group health insurance plan as long as the employer pays no part of the premiums. As we understand it, the Consolidated Omnibus Budget Reconciliation Act of 1985 requires employers to include in group health insurance plans a provision permitting continued participation by employees under certain circumstances in order for the employer to deduct health insurance premium contributions from taxable income. If the employee pays the premiums, and if the right to participate in the group health insurance plan accrued prior to the time the employee runs for elective state office, it would again appear that the employer itself is not providing anything of pecuniary value to the candidate.

### Advice

[6] A candidate for elective state office may not receive a salary from a principal but may continue to receive a pension and participate in a group health plan if the candidate pays the premiums.

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2. Transportation.

3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee; but a lobbyist may make a contribution to which par. (c) applies only as authorized in par. (c).

(2) No principal may engage in the practices prohibited under sub. (1) (b) and (c). This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

(3) No candidate for an elective state office, elective state official, agency official or legislative employe of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1)(b)3 and (c), (2), (5), (6), (7), (8) and (9). No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3 and (c), (2) and (6).

<sup>2</sup> §13.62(12), *Wisconsin Statutes*.